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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John P. Ruckart

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EXAMINER

ROSE, KERRI M

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/024,135	Applicant(s) RUCKART ET AL.	
	Examiner Kerri M. Rose	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-40, 42-44, 46, 47, 49-51, 54, 55, 57-65 and 68-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-51, 54, 55, 57 and 74 is/are allowed.
- 6) ☒ Claim(s) 32-35, 37, 42, 47, 58, 60-65 and 68-73 is/are rejected.
- 7) ☒ Claim(s) 36, 38-40, 43, 44, 46 and 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Finality of the previous rejection is withdrawn.
2. Applicant's arguments with respect to claims 32-74 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 32, 42, 47, 73, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "router" in claims 32-74 is used by the claim to mean "Central Office of a Public Switched Telephone Network", while the accepted meaning is "a layer 3 device." The term is indefinite because the specification does not clearly redefine the term.

6. Claim 62 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a

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gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: No structural relationships are disclosed.

7. Claims 73 and 42 use the acronym “PIC” without first defining it.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 32-35, 37, 47, 58, 60-65, and 68-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 7,092,380).
10. In regards to claims 32, 47, and 63, Chen discloses a telecommunications system for routing telephone calls comprising: a trigger configured to identify an initiated telephone call (col. 11 lines 53-60 and fig. 12 step 405); and a router configured to route the initiated telephone call over a packetized protocol network when the initiated telephone call is identified for packetized routing and to route the initiated telephone call over a standard telephone network without conversion to a packetized protocol when the initiated telephone call is not identified for packetized routing (col. 11 lines 60-63); wherein the router comprises a customer premises telephone device or a central office of a PSTN (CO of figure 2D).
11. In regards to claim 33, Chen discloses the system of claim 32, wherein the router is further configured to convert the initiated telephone call to the packetized protocol when the initiated telephone call is identified for packetized routing. Column 11 line 46 discloses that the

Internet is a packet switched network and therefore the calls routed over it must be converted to packets.

12. In regards to claim 34, Chen discloses the system of claim 32, wherein the packetized routing comprises VoIP (fig. 12).

13. In regards to claim 35, Chen discloses the system of claim 32, wherein the standard telephone network comprises a circuit switched network (PSTN, fig. 2D element 14).

14. In regards to claim 37, Chen discloses the system of claim 32, wherein the router comprises a CO of a PSTN (fig. 2D element 20).

15. In regards to claim 58, Chen discloses a method for selectively routing calls received on a standard circuit switched telephone network to a VoIP platform, (fig. 12) comprising: receiving a plurality of calls at a device on the network (fig. 12.405. A call must be received before a decision can be made.); identifying a first of the calls as a call to be routed to the VoIP platform (fig. 12.405); routing the identified first of the calls to the VoIP platform (fig. 12.420-445); converting the first of the calls to an internet protocol (fig. 12.410); routing the converted first of the calls to a packetized communication network coupled to the VoIP platform (fig. 12.410-445); identifying a second of the calls as a call to be routed to the standard circuit switched telephone network; and routing the identified second of the calls to a standard circuit switched telephone network without converting the second of the calls to the internet protocol (fig. 12.415); further comprising: wherein identifying a first of the calls and identifying a second of the calls are carried out at CO of the standardized circuit switched network (fig. 2D.20); or wherein identifying a first of the calls and identifying a second of the calls are carried out at a telephone device for initiation the first of the calls and the second of the calls.

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16. In regards to claim 60, Chen discloses the method of claim 58, wherein identifying a first of the calls and identifying a second of the calls are carried out at a telephone device for initiating the first of the calls and the second of the calls (fig. 2D.16 as described in column 11 lines 53-63).

17. In regards to claims 61 and 68, Chen discloses a computer program product for routing telephone calls, the computer program product comprising computer program code to be executed by a computer that is embodied in a computer readable medium, the computer program code comprising program code configured to carry out the method of claims 58 or 63 (figure 7 discloses a DSP and memory unit. DSP operates according to a computer program).

18. In regards to claim 62, figure 2D discloses a system to carry out the method of figure 12.

19. In regards to claim 64, Chen discloses the method of claim 63, wherein routing the incoming telephone call over a packetized protocol network is preceded by converting the incoming telephone call to a packetized protocol if the incoming request requests packetized routing (fig. 12).

20. In regards to claim 65, Chen discloses the method of claim 63, wherein the packetized protocol comprises VoIP and wherein the standard telephone network comprises a circuit switched network (figures 2D and 12 and column 11 lines 42-63).

21. In regards to claim 69, Chen discloses a telephone device (figs. 6 and 7) having a plurality of connections comprising: a user interface including a VoIP key (col. 2 lines 46-48); a call initiation circuit that routes a call over either a circuit switched network or a VoIP network responsive to user activation of the VoIP key (fig. 12); and a router to the circuit switched network and the VoIP network (fig. 2D.20).

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22. In regards to claim 70, Chen discloses the telephone device of claim 69, wherein the router includes a broadband service (fig. 2D element 28) coupled to the VoIP network and a voice spectrum line coupled to the circuit switched network (element 14).

23. In regards to claim 71, Chen discloses DSL, because DSL is the broadband technology used by telecom companies to connect users to the Internet.

24. In regards to claim 72, Chen discloses the telephone device of claim 69, further comprising a conversion circuit that converts the call to a packetized protocol responsive for routing to the VoIP network responsive to the call initiation circuit routing the call over the VoIP network (fig. 7 element 80 discloses a converter).

Allowable Subject Matter

25. Claims 74, 49-51, 54, 55, and 57 are allowed.

26. Claims 36 and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

27. Claims 38-40, 43, 44, and 46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

28. The following is a statement of reasons for the indication of allowable subject matter: Claims 73 and 74 indicate the initiated call is identified by one of: 1+, ANI, area code, cell phone, or account code. Chen, Hon, and Wu disclose the call is identified using a specific button, such as a special VoIP button or the # key.

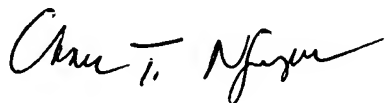
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Rose whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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